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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,878	07/24/2003	Mark Bradford Keener		9290

29637 7590 06/29/2009
BUSKOP LAW GROUP, P.C.
4511 Dacoma Street
HOUSTON, TX 77092

EXAMINER

NGUYEN, TAN D

ART UNIT	PAPER NUMBER
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3689

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06/29/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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10625878	7/24/2003	KEENER, MARK BRADFORD	

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EXAMINER

Tan Dean D. Nguyen

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Commissioner for Patents

The following paragraph is added before section (1) of the Examiner's Action of 5/28/09. No response is required as the case has been sent to the BPAI.

The appeal brief is filed in the new format under the revised BPAI final rule before the effective date of the BPAI final rule. The Office published the BPAI final rule to amend the rules governing practice before the BPAI in ex parte patent appeals. See Rules of Practice Before the Board of Patent Appeals and Interferences in Ex Parte Appeals; Final Rule, 73 FR 32938 (June 10, 2008)) 1332 Off Gaz. Pat. Office 47 (July 1, 2008). However, the effective date for the BPAI final rule has been delayed. See Rules of Practice Before the Board of Patent Appeals and Interferences in Ex Parte Appeals; Delay of Effective and Applicability Dates, 73 FR 74972 (December 10, 2008). In the notice published on November 20, 2008, the Office indicated that the Office will not hold an appeal brief as non-compliant solely for following the new format even though it is filed before the effective date. See Clarzjkation of the Effective Date Provision in the Final Rule for Ex Parte Appeals, 73 FR 70282 (November 20, 2008). Since the appeal brief is otherwise acceptable, the Office has accepted the appeal brief filed by appellant.

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689